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COLUMBIA, SOUTH CAROLINA

October 13, 2008

VIA ELECTRONIC FILING

Mr. Charles Terreni
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Public Service Commission of South Carolina
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**Re: Time Warner Cable Information Services' Application to Amend its
Certificate of Public Convenience & Necessity to Provide Telephone
Services in the Service Area of PBT Telecom, Inc.
Docket No. 2008-328-C**

Dear Mr. Terreni:

Enclosed for filing please find Time Warner Cable's Motion to Compel PBT Telecom, Inc. to Respond to Discovery Requests, or in the alternative, Motion in Limine. Given the deadlines for submitting testimony in this case, we respectfully request expedited review of this motion. By copy of this letter we are serving the same on interested parties. If you have any questions, please have someone on your staff contact me.

Yours truly,

ROBINSON, MCFADDEN & MOORE, P.C.


Frank R. Ellerbe, III

FRE/bds
enclosures
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STATE OF SOUTH CAROLINA

**In Re: Application of Time Warner Cable
Information Services (South Carolina) LLC, d/b/a
Time Warner Cable to Amend its Certificate of
Public Convenience and Necessity to Provide
Telephone Services in the Service Area of PBT
Telecom, Inc. and for Alternative Regulation**

**BEFORE THE
PUBLIC SERVICE COMMISSION
OF SOUTH CAROLINA**

COVER SHEET

**DOCKET
NUMBER: 2008-328-C**

(Please type or print)

Submitted by: Frank R. Ellerbe, III
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NOTE: The cover sheet and information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is required for use by the Public Service Commission of South Carolina for the purpose of docketing and must be filled out completely.

DOCKETING INFORMATION (Check all that apply)

- ☐ Emergency Relief demanded in petition ☒ Request for item to be placed on Commission's Agenda expeditiously
- ☐ Other: _____

INDUSTRY (Check one)	NATURE OF ACTION (Check all that apply)		
<input type="checkbox"/> Electric	<input type="checkbox"/> Affidavit	<input type="checkbox"/> Letter	<input type="checkbox"/> Request
<input type="checkbox"/> Electric/Gas	<input type="checkbox"/> Agreement	<input type="checkbox"/> Memorandum	<input type="checkbox"/> Request for Certificatio
<input type="checkbox"/> Electric/Telecommunications	<input type="checkbox"/> Answer	<input checked="" type="checkbox"/> Motion	<input type="checkbox"/> Request for Investigation
<input type="checkbox"/> Electric/Water	<input type="checkbox"/> Appellate Review	<input type="checkbox"/> Objection	<input type="checkbox"/> Resale Agreement
<input type="checkbox"/> Electric/Water/Telecom.	<input type="checkbox"/> Application	<input type="checkbox"/> Petition	<input type="checkbox"/> Resale Amendment
<input type="checkbox"/> Electric/Water/Sewer	<input type="checkbox"/> Brief	<input type="checkbox"/> Petition for Reconsideration	<input type="checkbox"/> Reservation Letter
<input type="checkbox"/> Gas	<input type="checkbox"/> Certificate	<input type="checkbox"/> Petition for Rulemaking	<input type="checkbox"/> Response
<input type="checkbox"/> Railroad	<input type="checkbox"/> Comments	<input type="checkbox"/> Petition for Rule to Show Cause	<input type="checkbox"/> Response to Discovery
<input type="checkbox"/> Sewer	<input type="checkbox"/> Complaint	<input type="checkbox"/> Petition to Intervene	<input type="checkbox"/> Return to Petition
<input checked="" type="checkbox"/> Telecommunications	<input type="checkbox"/> Consent Order	<input type="checkbox"/> Petition to Intervene Out of Time	<input type="checkbox"/> Stipulation
<input type="checkbox"/> Transportation	<input type="checkbox"/> Discovery	<input type="checkbox"/> Prefiled Testimony	<input type="checkbox"/> Subpoena
<input type="checkbox"/> Water	<input type="checkbox"/> Exhibit	<input type="checkbox"/> Promotion	<input type="checkbox"/> Tariff
<input type="checkbox"/> Water/Sewer	<input type="checkbox"/> Expedited Consideration	<input type="checkbox"/> Proposed Order	<input type="checkbox"/> Other:
<input type="checkbox"/> Administrative Matter	<input type="checkbox"/> Interconnection Agreement	<input type="checkbox"/> Protest	
<input type="checkbox"/> Other:	<input type="checkbox"/> Interconnection Amendment	<input type="checkbox"/> Publisher's Affidavit	
	<input type="checkbox"/> Late-Filed Exhibit	<input type="checkbox"/> Report	

**BEFORE THE
PUBLIC SERVICE COMMISSION
OF SOUTH CAROLINA**

Docket No. 2008-328-C

In Re: Application of Time Warner Cable Information)
Services (South Carolina) LLC, d/b/a Time)
Warner Cable to Amend its Certificate of Public)
Convenience and Necessity to Provide)
Telephone Services in the Service Area of)
PBT Telecom, Inc. and for Alternative Regulation)

**TIME WARNER CABLE'S MOTION TO COMPEL
PBT TELECOM, INC.
TO RESPOND TO DISCOVERY REQUESTS, OR
IN THE ALTERNATIVE, MOTION *IN LIMINE***

Pursuant to 26 S.C. Regs. 103-829, 103-833, 103-835, and 103-846; Rule 37, SCRCF; and Rule 403, SCRE, Time Warner Cable Information Services (South Carolina) LLC, d/b/a Time Warner Cable ("Time Warner Cable") hereby moves for an order compelling PBT Telecom, Inc. ("PBT") to respond to Time Warner Cable's discovery requests on an expedited basis, or alternatively, for an order barring PBT from raising the issues that approval of Time Warner Cable's application would adversely impact the availability of affordable local exchange service or adversely impact the public interest in the proceeding. Time Warner Cable has attempted to resolve this matter without the intervention of the Public Service Commission of South Carolina ("Commission"), but has been unsuccessful; and therefore, files this motion.

Motion to Compel Discovery Responses

On September 12, 2008, Time Warner Cable served PBT with its First Set of Interrogatories and First Request for Production (collectively "Discovery Requests"). Time Warner Cable seeks an order compelling PBT to respond to basic questions and provide certain

documents supporting their position in regard to Time Warner Cable's application. On October 2, 2008, PBT served Time Warner Cable its Answers to First Interrogatories and Response to Request for Production attached as **Exhibits 1 and 2**. PBT objected to ten of the fifteen interrogatories, indicated that it had not developed a position in regard to two of the Interrogatories, and provided an incomplete, evasive, and non-responsive answer to one of the Interrogatories.¹ PBT objected to nine of the twelve Requests for Production.² On October 3, 2008, counsel for Time Warner Cable contacted counsel for PBT by letter via email in an attempt to resolve the discovery dispute. See attached **Exhibit 3**.

PBT objected to most of the discovery on the basis that the information sought was not relevant as to whether Time Warner Cable met the statutory requirements to provide service in its area. The financial information and documents requested by Time Warner Cable in its Discovery Requests are relevant if PBT contends that Time Warner Cable's application should be denied because the financial impact on PBT would adversely impact the availability of affordable local exchange service. PBT indicated in its petition to intervene that it "has not yet fully developed a position with respect to this proceeding." See PBT's Petition to Intervene, ¶ 4. In PBT's answers to Interrogatory Nos. 1-4, and 1-5, PBT again states that it has not yet fully developed a position regarding (1) whether Time Warner Cable's service would have an adverse impact on the affordability of local telephone service with the service area of PBT and (2) whether PBT would lose revenue from competition with Time Warner Cable.

Since this is the second application that Time Warner Cable has filed for authority to provide service in PBT's service area, PBT's contention that it does not know its position is not

¹ Objected to Interrogatory Nos. 1-1, 1-2, 1-6, 1-7, 1-8, 1-9, 1-10, 1-11, 1-12, and 1-13.

Not developed a position on Interrogatory Nos. 1-4 and 1-5.

Non-Responsive answer to Interrogatory Nos. 1-14.

² Objected to Request Nos. 1-2, 1-3, 1-4, 1-5, 1-6, 1-9, 1-10, 1-11, and 1-12.

credible. During the first hearing in Docket No. 2004-280-C, H. Keith Oliver testified on behalf of PBT. (March 31, 2005, Hearing Transcript, Docket No. 2004-280-C ["2005 Transcript"], p. 181.) Mr. Oliver requested that the Commission deny Time Warner Cable's request to expand its certificated authority to provide service in PBT's service area "because it is not in the public interest and because of its adverse impact on the availability of affordable local exchange service...." (2005 Transcript, p. 181). Time Warner Cable is clearly entitled to know whether PBT intends to maintain this position in the present proceeding.

The Interrogatories and Requests for Production related to the company's financial condition are clearly relevant to the financial impact that Time Warner Cable's provision of service may have on PBT. The Discovery Requests related to PBT's affiliates are relevant to determine whether the affiliates are providing competitive broadband, cable or video services to clients and whether PBT is subsidizing the non-regulated activities of its affiliates.

The Commission's regulations require a party to indicate its position in a proceeding. 26 S.C. Regs. 103-825(A)(3). PBT's refusal to respond to the Interrogatories related to its position and the financial impact of the application on PBT is prejudicial to Time Warner Cable. It deprives Time Warner Cable's expert witness of any meaningful opportunity to review PBT's financial situation and prepare his testimony concerning the potential impact of the application. Time Warner Cable requests that the Commission issue an order overruling PBT's objections and requiring PBT to respond to Time Warner Cable's discovery requests on an expedited basis so that its expert witness will have adequate time to analyze the information.

Alternatively, Motion in Limine

In the alternative, should PBT fail to provide the answers and documents requested within five days, Time Warner Cable moves for an order barring PBT from introducing any

evidence in regard to whether Time Warner Cable's application would adversely impact the availability of affordable local exchange service or the public interest in its service area. The Commission's regulations provide that the rules of evidence applied in civil cases in the Court of Common Pleas shall be followed by the Commission. 26 S.C. Regs. 103-846. Rule 403, SCRE, provides that "[a]lthough relevant, evidence may be excluded if its probative value is substantially outweighed by the danger of unfair prejudice, confusion of the issues, or misleading the jury, or by considerations of undue delay, waste of time, or needless presentation of cumulative evidence."

In order to present a full and complete case, Time Warner Cable is entitled to know PBT's position so it can fully prepare and develop its case. The South Carolina Supreme Court has held that it is inexcusable for a party to fail to provide certain information pretrial. *Morgan v. Carolina Door Products, Inc.*, 281 S.C. 423, 426-27, 315 S.E. 2d 119, 120-21 (Sup. Ct. 1984). To allow PBT to allege that granting Time Warner Cable's application would damage PBT's financial status and adversely impact local service in PBT's territory without providing information on its financial condition and relationships with its affiliates would unfairly prejudice Time Warner Cable. Should PBT fail to provide the requested information, Time Warner Cable moves that PBT not be allowed to present any evidence of a potential adverse impact on the availability of local service in its area.

WHEREFORE, Time Warner Cable moves for an order compelling PBT to completely respond to its First Set of Interrogatories and First Requests for Production within five days along with such other relief as the Commission may deem proper. In the alternative, Time Warner Cable moves that PBT not be allowed to present any evidence of a potential adverse impact on the availability of local service in its area.

Dated this 13th day of October, 2008.

ROBINSON, MCFADDEN & MOORE, P.C.

By 

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Attorneys for Time Warner Cable Information
Services, (South Carolina), LLC

EXHIBIT 1

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA

Docket No. 2008-328-C

IN RE: Application of Time Warner Cable Information)
 Services (South Carolina), LLC, d/b/a Time)
 Warner Cable to Amend its Certificate of Public)
 Convenience and Necessity to Provide)
 Telephone Services in the Service Area of PBT)
 Telecom, Inc. and for Alternative Regulation)
 _____)

**PBT TELECOM, INC.'S ANSWERS TO
TIME WARNER CABLE INFORMATION SERVICES'
1ST SET OF INTERROGATORIES**

PBT Telecom, Inc. ("PBT"), by and through its undersigned counsel, hereby submits the within responses to the First Set of Interrogatories of Time Warner Cable Information Services (South Carolina), LLC, d/b/a Time Warner Cable ("Time Warner").

INTERROGATORY NO. 1-1

List and identify PBT Telecom's affiliations with any other corporation, subsidiary corporation or companies. For each, provide the following information:

- a. legal name,
- b. date of incorporation or formation,
- c. percentage of ownership by PBT Telecom,
- d. officers and directors,
- e. principal place of business and/or primary address,
- f. type of services provided.

ANSWER:

PBT objects to this Interrogatory on the grounds that PBT's affiliations with other corporations, subsidiary corporations or companies is not relevant to the issue in this case, namely whether Time Warner Cable Information Services (South Carolina), LLC, d/b/a Time Warner Cable ("Time Warner") meets the statutory requirements to be awarded a certificate of public convenience and necessity to provide certain services in PBT's service area.

INTERROGATORY NO. 1-2

List all affiliated entities that are authorized to provide competitive local exchange services in South Carolina. For each entity, list the areas where service is being provided.

ANSWER:

PBT objects to this Interrogatory on the basis that any authorization of PBT's affiliates to provide competitive local exchange services in South Carolina is not relevant to the issue in this case, namely whether Time Warner Cable Information Services (South Carolina), LLC, d/b/a Time Warner Cable ("Time Warner") meets the statutory requirements to be awarded a certificate of public convenience and necessity to provide certain services in PBT's service area.

INTERROGATORY NO. 1-3

Identify all exhibits, charts, documents or other items which you intend to introduce at the hearing in this matter.

ANSWER:

At this time, PBT has not created or identified any exhibits, charts, documents or other items which it intends to introduce at the hearing in this matter. Any such exhibits, charts, documents or other items which PBT intends to use at the hearing will be provided when they are known.

INTERROGATORY NO. 1-4

Do you contend that Time Warner Cable's service would have an adverse impact on the affordability of local telephone service within the service area of PBT Telecom? If so,

- a. state with specificity each fact or reason supporting such contention;
- b. identify all witnesses who will testify about such fact or reason, and
- c. identify all documents concerning or related to such contention.

ANSWER:

PBT has not yet fully developed a position regarding whether Time Warner's service would have an adverse impact on the affordability of local telephone service within the service area of PBT and, therefore, does not so contend at this time.

INTERROGATORY NO. 1-5

Do you contend that PBT Telecom would lose revenue from competition with Time Warner Cable resulting in increases in rates to rural subscribers? If so,

- a. state with specificity each fact or reason supporting such contention;
- b. identify all witnesses who will testify about such fact or reason, and
- c. identify all documents concerning or related to such contention.

ANSWER:

PBT has not yet fully developed a position regarding whether PBT would lose revenue from competition with Time Warner resulting in increases in rates to rural subscribers and, therefore, does not so contend at this time.

INTERROGATORY NO. 1-6

State PBT Telecom's net income for each of the past five years.

ANSWER:

PBT objects to this Interrogatory on the grounds that PBT's net income over the past five years is not relevant to the issue in this case, namely whether Time Warner Cable Information Services (South Carolina), LLC, d/b/a Time Warner Cable ("Time Warner") meets the statutory requirements to be awarded a certificate of public convenience and necessity to provide certain services in PBT's service area.

Notwithstanding the above objection, PBT is producing Annual Reports that have been filed with the Public Service Commission of South Carolina ("Commission") for each of the past five years in response to Request for Production No. 1-3.

INTERROGATORY NO. 1-7

List the areas in which PBT Telecom or an affiliated company provides video and/or cable television services. For each area, list the date PBT Telecom or an affiliated company began providing video and/or cable television services.

ANSWER:

PBT objects to this Interrogatory on the grounds that whether or not PBT or its affiliates provide video and/or cable television services, and the areas in which such service are provided, is not relevant to the issue in this case, namely whether Time Warner Cable Information Services (South Carolina), LLC, d/b/a Time Warner Cable ("Time Warner") meets the statutory requirements to be awarded a certificate of public convenience and necessity to provide certain services in PBT's service area.

INTERROGATORY NO. 1-8

Provide a diagram illustrating PBT Telecom's corporate structure and organization.

ANSWER:

PBT objects to this Interrogatory on the grounds that PBT's corporate structure and organization are not relevant to the issue in this case, namely whether Time Warner Cable Information Services (South Carolina), LLC, d/b/a Time Warner Cable ("Time Warner") meets the statutory requirements to be awarded a certificate of public convenience and necessity to provide certain services in PBT's service area.

Notwithstanding the above objection, PBT is a South Carolina corporation, organized and doing business under the laws of the State of South Carolina and doing business since 1903. PBT is an incumbent local exchange carrier as defined in 47 U.S.C. § 251(h), and a rural telephone company as defined in 47 U.S.C. § 153(37).

INTERROGATORY NO. 1-9

Please describe the VoIP services provided by PBT Telecom or an affiliated entity.

ANSWER:

PBT objects to this Interrogatory on the grounds that whether or not PBT or its affiliates provide VoIP services is not relevant to the issue in this case, namely whether Time Warner Cable Information Services (South Carolina), LLC, d/b/a Time Warner Cable ("Time Warner") meets the statutory requirements to be awarded a certificate of public convenience and necessity to provide certain services in PBT's service area.

INTERROGATORY NO. 1-10

Please list the total annual amount of funds the Company received from the Federal Universal Service Fund for each year from 2002 through 2007.

ANSWER:

PBT objects to this Interrogatory on the grounds that whether or not PBT receives distributions from the federal Universal Service Fund, and the amount thereof, is not relevant to the issue in this case, namely whether Time Warner Cable Information Services (South Carolina), LLC, d/b/a Time Warner Cable ("Time Warner") meets the statutory requirements to be awarded a certificate of public convenience and necessity to provide certain services in PBT's service area.

Notwithstanding the above objection, projections of high-cost federal USF amounts by company are available at www.usac.org.

INTERROGATORY NO. 1-11

Please list the total annual amount of funds the Company received from the S.C. Universal Service Fund for each year from 2002 through 2007.

ANSWER:

PBT objects to this Interrogatory on the grounds that whether or not PBT receives distributions from the State Universal Service Fund, and the amount thereof, is not relevant to the issue in this case, namely whether Time Warner Cable Information Services (South Carolina), LLC, d/b/a Time Warner Cable ("Time Warner") meets the statutory requirements to be awarded a certificate of public convenience and necessity to provide certain services in PBT's service area.

Notwithstanding the above objection, PBT received the following amounts from the State USF:

2002	\$ 462,325
2003	\$ 708,591
2004	\$ 978,165
2005	\$ 1,540,826
2006	\$ 1,602,123
2007	\$ 1,536,904

INTERROGATORY NO. 1-12

Describe how the Company's operations expenses have varied over the last three fiscal years.

ANSWER:

PBT objects to this Interrogatory on the grounds that PBT's operations expenses, and how they may or may not have varied, is not relevant to the issue in this case, namely whether Time Warner Cable Information Services (South Carolina), LLC, d/b/a Time Warner Cable ("Time Warner") meets the statutory requirements to be awarded a certificate of public convenience and necessity to provide certain services in PBT's service area.

Notwithstanding the above objection, PBT's publicly available Telecommunications Company Annual Reports for the past five (5) years are being produced in response to Time Warner's First Request for Production No. 1-3.

INTERROGATORY NO. 1-13

Describe how the Company's operating revenue has varied over the last three fiscal years.

ANSWER:

PBT objects to this Interrogatory on the grounds that PBT's operating revenue, and how it may or may not have varied, is not relevant to the issue in this case, namely whether Time Warner Cable Information Services (South Carolina), LLC, d/b/a Time Warner Cable ("Time Warner") meets the statutory requirements to be awarded a certificate of public convenience and necessity to provide certain services in PBT's service area.

Notwithstanding the above objection, PBT's publicly available Telecommunications Company Annual Reports for the past five (5) years are being produced in response to Time Warner's First Request for Production No. 1-3.

INTERROGATORY NO. 1-14

Would the availability of more than one telephone service provider in the Company's local service area benefit consumers? If the response above is anything other than an unqualified yes, explain why telephone service competition would not benefit customers.

ANSWER:

The response to this question is not a simple yes or no, but depends on a variety of factors, each of which the Public Service Commission must carefully weigh in determining whether it is in the public interest to grant a certificate of public convenience and necessity to Time Warner to provide service in PBT's area.

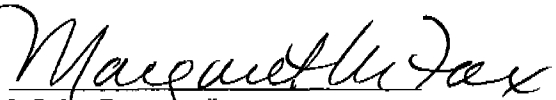
INTERROGATORY NO. 1-15

Do you contend that Time Warner Cable has provided telephone services within the Company's service area without certification from the Commission? If so, provide the basis for your contention.

ANSWER:

PBT does not know whether Time Warner has provided telephone services within PBT's service area without certification from the Commission and, therefore, does not have any basis for making such a contention at this time.

Respectfully submitted,

By: 

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ATTORNEYS FOR PBT
TELECOM

Columbia, South Carolina

October 2, 2008

EXHIBIT 2

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA

Docket No. 2008-328-C

IN RE: Application of Time Warner Cable Information)
 Services (South Carolina), LLC, d/b/a Time)
 Warner Cable to Amend its Certificate of Public)
 Convenience and Necessity to Provide)
 Telephone Services in the Service Area of PBT)
 Telecom and for Alternative Regulation)
 _____)

**PBT TELECOM, INC.'S RESPONSE TO
TIME WARNER CABLE INFORMATION SERVICES'
1ST REQUEST FOR PRODUCTION**

PBT Telecom, Inc. ("PBT"), by and through its undersigned counsel, hereby submits the within responses to the First Request for Production of Time Warner Cable Information Services (South Carolina), LLC, d/b/a Time Warner Cable ("Time Warner").

REQUEST NO. 1-1.

All documents, writing, exhibits listed in or used in the preparation of PBT Telecom Answers to Time Warner Cable's First Set of Interrogatories.

RESPONSE:

None.

REQUEST NO.1 -2

Copies of PBT Telecom's and PBT Communications, Inc.'s financial statements for the last five years.

RESPONSE:

PBT objects to the production of these financial statements on the grounds that PBT's and PBT Communications, Inc.'s financial statements are not relevant to the issue in this case, namely whether Time Warner Cable Information Services (South Carolina), LLC, d/b/a Time Warner Cable ("Time Warner") meets the statutory requirements to be awarded a certificate of public convenience and necessity to provide certain services in PBT's service area. Additionally, PBT Communications, Inc.'s financial statements are not relevant to this case because PBT Communications, Inc. does not operate in PBT Telecom's service area, the area in which Time Warner seeks certification.

Additionally, PBT objects on the grounds that the financial statements constitute proprietary, confidential business and commercial information.

Notwithstanding the above objections, PBT's publicly available Telecommunications Company Annual Reports for the past five (5) years are being produced in response to Time Warner's First Request for Production No. 1-3.

REQUEST NO. 1-3

Copies of PBT Telecom's and PBT Communications, Inc.'s Annual Reports filed with the Public Service Commission or Office of Regulatory Staff for the last five years.

RESPONSE:

PBT objects to the production of these Annual Reports on the grounds that PBT's and PBT Communications, Inc.'s Annual Reports are not relevant to the issue in this case, namely whether Time Warner Cable Information Services (South Carolina), LLC, d/b/a Time Warner Cable ("Time Warner") meets the statutory requirements to be awarded a certificate of public convenience and necessity to provide certain services in PBT's service area. Additionally, PBT Communications, Inc.'s Annual Reports are not relevant to this case because PBT Communications, Inc. does not operate in PBT Telecom's service area, the area in which Time Warner seeks certification.

Notwithstanding the above objection, see attached Annual Reports of PBT.

REQUEST NO. 1-4

Copies of tariff pages for PBT Telecom and PBT Communications related to the provision of VoIP services.

RESPONSE:

PBT objects to the production of tariff pages related to the provision of VoIP services on the grounds that any such tariff pages, and the provision of any VoIP services by PBT and/or PBT Communications, Inc., are not relevant to the issue in this case, namely whether Time Warner Cable Information Services (South Carolina), LLC, d/b/a Time Warner Cable ("Time Warner") meets the statutory requirements to be awarded a certificate of public convenience and necessity to provide certain services in PBT's service area.

REQUEST NO. 1-5

Provide a copy of your annual reports filed with the FCC and/or the United States Department of Agriculture - Rural Utilities Service for each of the last three years.

RESPONSE:

PBT objects to the production of any annual reports filed with the FCC and/or the United States Department of Agriculture - Rural Utilities Service, on the grounds that any such reports are not relevant to the issue in this case, namely whether Time Warner Cable Information Services (South Carolina), LLC, d/b/a Time Warner Cable ("Time Warner") meets the statutory requirements to be awarded a certificate of public convenience and necessity to provide certain services in PBT's service area.

Notwithstanding the above objection, PBT responds that there is no such thing as an annual report filed with the FCC. Additionally, only borrowers of the Rural Utilities Service are required to file annual reports with the U.S. Department of Agriculture - Rural Utilities Service. PBT does not file such reports.

REQUEST NO. 1-6

Provide a copy of all reports filed with the USAC and NECA for the last three years.

RESPONSE:

PBT objects to the production of all reports filed with the USAC and NECA for the past three years on the grounds that such reports are not relevant to the issue in this case, namely whether Time Warner Cable Information Services (South Carolina), LLC, d/b/a Time Warner Cable ("Time Warner") meets the statutory requirements to be awarded a certificate of public convenience and necessity to provide certain services in PBT's service area.

Additionally, PBT objects to this request as being overbroad and burdensome, and on the basis that it requests confidential business and commercial information.

REQUEST NO. 1-7

Provide a copy of all 10-Q reports filed by your company and/or its affiliates with the Securities and Exchange Commission (SEC) for the years 2006, 2007 and 2008.

RESPONSE:

PBT is not a publicly-traded company and, therefore, does not file 10-Q reports with the Securities and Exchange Commission.

REQUEST NO. 1-8

Provide a copy of all 10-K reports filed by your company and/or its affiliates with the Securities and Exchange Commission (SEC) for the years 2006, 2007 and 2008.

RESPONSE:

PBT is not a publicly-traded company and, therefore, does not file 10-K reports with the Securities and Exchange Commission.

REQUEST NO. 1-9

Provide copies of any financial projections prepared by or for you in the last three years including associated detail and data.

RESPONSE:

PBT objects to the production of “financial projections” on the grounds that any such projections are not relevant to the issue in this case, namely whether Time Warner Cable Information Services (South Carolina), LLC, d/b/a Time Warner Cable (“Time Warner”) meets the statutory requirements to be awarded a certificate of public convenience and necessity to provide certain services in PBT’s service area.

Additionally, PBT objects on the grounds that the request for “financial projections” is vague and overbroad, and that any such projections would constitute trade secret information and proprietary and confidential business and commercial information.

REQUEST NO. 1-10

Provide a copy of your FCC Form 499-A (Telecommunications Reporting Worksheet) for the last three years.

RESPONSE:

PBT objects to the production of FCC Form 499-A information on the grounds that the information contained on such forms is not relevant to the issue in this case, namely whether Time Warner Cable Information Services (South Carolina), LLC, d/b/a Time Warner Cable (“Time Warner”) meets the statutory requirements to be awarded a certificate of public convenience and necessity to provide certain services in PBT’s service area.

Additionally, companies generally file such information with the FCC on a confidential basis. The United States District Court for the District of Columbia recently recognized that similar information filed by companies on a confidential basis with the Federal Communications Commission is exempt from the federal Freedom of Information Act. See Center for Public Integrity v. Federal Communications Commission, 505 F. Supp. 2d 106 (D.D.C. 2007) (finding that certain broadband information reported on a confidential basis on the FCC’s Form 477 was exempt from disclosure).

REQUEST NO. 1-11

Produce a copy of all disclosures your company has made to investors, stockholders or board members regarding the potential impact of competition.

RESPONSE:

PBT objects to this request on the grounds that disclosures made by PBT to its investors, stockholders, or board members regarding the potential impact of competition are not relevant to the issue in this case, namely whether Time Warner Cable Information Services (South Carolina), LLC, d/b/a Time Warner Cable ("Time Warner") meets the statutory requirements to be awarded a certificate of public convenience and necessity to provide certain services in PBT's service area.

Furthermore, such disclosures are speculative, and constitute proprietary business information and/or privileged communications.

REQUEST NO. 1-12

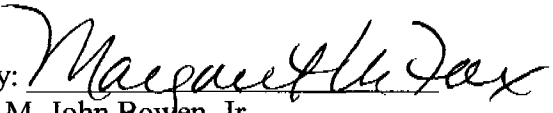
Produce all documents filed at either the South Carolina Public Service Commission or the FCC explaining your views of the onset of competition in rural areas of South Carolina.

RESPONSE:

PBT objects to this request on the grounds that it is not relevant to the issue in this case, namely whether Time Warner Cable Information Services (South Carolina), LLC, d/b/a Time Warner Cable ("Time Warner") meets the statutory requirements to be awarded a certificate of public convenience and necessity to provide certain services in PBT's service area.

Furthermore, the request is vague and overbroad, as well as burdensome. PBT does not keep such documents in any organized form. Any such documents would have been filed in a public forum, and Time Warner can identify and access them as easily as PBT can.

Respectfully submitted,

By: 
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ATTORNEYS FOR PBT
TELECOM

Columbia, South Carolina

October 2, 2008

EXHIBIT 3



ROBINSON MCFADDEN
ATTORNEYS AND COUNSELORS AT LAW

ROBINSON, MCFADDEN & MOORE, P.C.
COLUMBIA, SOUTH CAROLINA

October 3, 2008

VIA EMAIL

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**Re: Time Warner Cable Information Services Applications, Docket Nos.
2008-325-C, 2008-326-C, 2008-327-C, 2008-328-C, 2008-329-C, and
2008-330-C.**

Dear John and Peg:

I have reviewed your discovery responses today. You have objected to many of our requests for your clients' financial information on the ground that what we requested is not relevant to "the issue in this case, namely whether [TWCIS] meets the statutory requirements to be awarded a certificate of public convenience and necessity to provide certain services..." in your clients' service areas. I don't think that objection is well founded given the position your clients are taking in these cases. In interrogatory 4 we asked specifically whether you contend that Time Warner Cable's service would have an adverse impact on the affordability of local service in your clients' service areas. Your response for each of your clients is that you have not yet formulated a position on that issue. We asked a similar question and received a similar response in interrogatory 5. In response to interrogatory 15 you assert that there are a variety of factors which the Commission must weigh in determining whether the public interest would be served by granting the applications.

Our discovery requests were intended to determine whether your clients would contend that our applications should be denied because the financial impact on your clients would threaten the affordability of basic local service. You have refused to state whether you will make that contention. If your clients do make such a contention they will be putting their financial condition at issue in these cases and the financial information we have requested will clearly be relevant and discoverable. Since you are leaving the door open to raise issues concerning the impact of the applications on your

clients' financial condition, we are entitled to the discovery we have requested.

The reason I am writing is to attempt to quickly resolve our disagreement on the scope of discovery. Unless we know that no issue concerning impacts on your clients' financial condition will be addressed in the hearing, we will have to prepare to deal with those issues and we will have to have the information we have requested. Accordingly, I intend to file a motion to compel next week and ask for expedited treatment of it by the Commission. If you would like to attempt to resolve the matter please let me know as soon as you can.

I have not addressed confidentiality issues. If we can address the underlying disagreement I am sure that we can reach agreement on a confidentiality agreement as we have in previous cases.

Yours truly,

ROBINSON, MCFADDEN & MOORE, P.C.



Frank R. Ellerbe, III

FRE/lla

Enclosures

cc: Nanette S. Edwards, Esq. (email)
Jeffery M. Nelson, Esq. (email)
C. Bradley Hutto, Esq. (email)